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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/438,266	11/10/1999	KENRO OHSAWA	990699/LH	9089
7590	02/02/2004		EXAMINER	
FRISHAUF HOLTZ GOODMAN LANGER & CHICK 767 THIRD AVENUE NEW YORK, NY 100172023			WILSON, JACQUELINE B	
			ART UNIT	PAPER NUMBER
			2612	

DATE MAILED: 02/02/2004 *S*

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/438,266	OHSAWA, KENRO	
	Examiner Jacqueline Wilson	Art Unit 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 10 November 1999.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,3-6,8 and 10-12 is/are rejected.
- 7) Claim(s) 2,7,9 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 10 November 1999 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                           | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)       | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3 . | 6) <input type="checkbox"/> Other: _____ .                                   |

## DETAILED ACTION

### ***Specification***

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 11 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In this case, the use of radio communication is not described in the specification.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8 recites the limitation "the color matching function... the spectral sensitivity data" in lines 4-5. There is insufficient antecedent basis for this limitation in the claim.

Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 12 discloses a plurality of color chips, each having a known spectral reflectance, and a digital camera having a known spectral sensitivity in place of the illumination light colorimeter. This limitation is inconsistent with the claimed limitation of Claim 6 since the colorimeter is being replaced.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

**Claims 1, and 3-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Osawa et al. (US 6,549,653).**

Regarding Claim 1, Osawa et al teaches color image input means (fig. 1, 1), color estimation means (5), and color image output means (6), the color estimation means including illumination light measuring means for measuring tristimulus values of observation illumination light (4), virtual illumination light spectrum calculation means (referred to as tristimulus value calculating unit 8; col. 11, lines 52+), and tristimulus value calculation means (referred to as RGB value calculating unit 9).

Regarding Claim 3, Osawa et al. teaches the virtual illumination light spectrum calculation means calculates a spectrum satisfying the relation that linear conversion of a product of a spectral sensitivity of the color image input means (col. 7, lines 20+) and a photographing illumination light spectrum is a product of a color matching fuction (8) and the virtual illumination light spectrum (see fig. 2; col. 11, lines 52- col. 12).

Regarding Claim 4, Osawa et al. teaches the color image input means and the illumination light measuring means are positioned under different kinds of illumination light (col. 9, lines 42-44 and col. 10, lines 30+).

Regarding Claim 5, Osawa et al. teaches color image input means (fig. 1, 1), color estimation means (5), and color image output means (6), the color estimation means including illumination light measuring means for measuring tristimulus values of observation illumination light (4), tristimulus value calculating means (8) for calculating tristimulus values of the object under a predetermined standard illumination light spectrum from the color image signal (referred to as illumination A), and corresponding color calculation means (16 and 18) for calculating tristimulus values that provide

"appearance" of the color of the object which is based on the tristimulus values under the standard illumination light spectrum.

**Claims 6, 10 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Komiya et al. (US 6,466,334).**

Regarding Claim 6, Komiya et al. teaches a color reproduction system comprising a color camera (fig. 9, 41), a simplified spectrophotometer (42), an illumination light colorimeter (45) for measuring tristimulus values of observation illumination light on an object observation side, and transferring the values to a color correction device (46) through a line, the color correction device calculates tristimulus values of the object under the virtual illumination light spectrum generated on the basis of the transferred tristimulus values of the observation illumination light, and converting the tristimulus values into a monitor signal by using monitor profile data (see fig. 9; 5a), and a monitor (44) for displaying a color image including an object image (53) color-corrected by the color correction device.

Regarding Claim 10, although Komiya et al teaches the color camera and monitor are positioned under different kinds of illumination light (fig. 9 shows shooting and observation lighting), Komiya et al does not specifically teach the image propagation is performed by wire communication. However, it is inherent that wires are used to transmit information especially since connections are shown in figure 9.

Regarding Claim 11, although Komiya et al fails to specifically teach image propagation is performed by radio communication, it is notoriously well known in the art

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to transmit information using radio communication as an alternate form of transmitting information. (Official Notice)

***Allowable Subject Matter***

Claims 2, 7, and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacqueline Wilson whose telephone number is (703) 308-5080. The examiner can normally be reached on Monday-Friday (alternate Fridays off) from 9:00am- 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (703) 305 4929. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-5401.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

JBW

1/23/04

  
NGOC-YEN VU  
PRIMARY EXAMINER